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09/915,835	07/26/2001	Thomas J. Wielenga	60,472-003	7214

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EXAMINER

FLEMING, FAYE M

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/915,835

Applicant(s)

WIELENGA, THOMAS J.

Examiner

Faye Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8-28 and 30-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-28 and 30-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 6 is objected to because of the following informalities: the term "eat" on line 5 should be *least*. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 5, 12-14, 16, 24-28, 34, 35, 41-42 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Faye (6,105,705).

Faye teaches a system for use with a motor vehicle having at least one front wheel and at least one rear wheel having a brake system 14 for applying pressure to resist the rotation of the at least one front wheel and/or the at least one rear wheel; a sensor for

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detecting an occurrence of a collision and/or a loss of control event of the motor vehicle and producing a loss of control signal; and a controller 10 for receiving the loss of control signal and automatically actuating the brake system to slow and/or reorient the motor vehicle. The collision is a non-rear end collision. The controller controls the brake system to apply pressure to one of all of the front wheels, one of the front wheels, and all of the front wheels and all of the rear wheels in response to receiving the loss of control signal. The sensor is an accelerometer (see Col. 3, lines 35-37). The sensor is included in an airbag system (see Col. 3, lines 50-52). The airbag system is an energy absorbing structure.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5, 6 and 45-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Tozu, et al (5,927,830).

Tozu, et al teaches a system for use with a motor vehicle having at least one front wheel and at least one rear wheel having a brake system for applying pressure to resist the rotation of the at least one front wheel and/or the at least one rear wheel; a sensor for detecting an occurrence of a loss of control event of the motor vehicle and producing a loss of control signal; and a controller for receiving the loss of control signal and automatically actuating the brake system to slow and/or reorient the motor vehicle. Tozu, et al teaches a vehicle motion system including a controller which controls the brake system to apply pressure to one of all of the front wheels, one of the front wheels, and all of the front wheels and all of the rear wheels in response to receiving the loss of control signal; and the controller also calculates slip angle. The system also has a sensor

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which measures yaw rate of the motor vehicle. Tozu, et al teaches a steering system for controllably steering the at least one rear wheel (see Col. 4, lines 51-55).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 15, 43-46, 53, 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faye (6,105,705) in view of Tozu, et al (5,927,830).

Faye teaches the claimed invention except for a sensor which measures yaw rate of a vehicle, a controller which calculates slip angle of a vehicle and a steering system. Tozu, et al teaches a vehicle motion system including a controller which controls the brake system to apply pressure to one of all of the front wheels, one of the front wheels, and all of the front wheels and all of the rear wheels in response to receiving the loss of control signal; and the controller also calculates slip angle. The system also has a sensor which measures yaw rate of the motor vehicle. Tozu, et al teaches a steering system for controllably steering the at least one rear wheel (see Col. 4, lines 51-55). Based on the teachings of Tozu, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Faye to include a sensor which measures yaw rate of a vehicle, a controller which calculates slip angle of a vehicle

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and a steering system to easily monitor a vehicle's condition to facilitate terminating the vehicle motion upon crashing and/or loss of control.

7. Claims 8, 9, 17, 18, 21, 22, 30, 31, 49, 50, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faye (6,105,705) in view of Tozu, et al (5,927,830) and further in view of Dai (4,934,477).

Faye in view of Tozu, et al teaches the claimed invention except for reducing a power output of the engine. Dai teaches a microprocessor 100 which functions to restrict the fuel supply, reducing a power output of the engine (see Col. 3, lines 65-68). Based on the teachings of Dai, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Faye and Tozu, et al to reduce a power output of the engine to facilitate deceleration of a vehicle upon crashing.

8. Claims 8-11, 17-23, 30-33, 37-40, 49-52 and 56-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faye (6,105,705) in view of Tozu, et al (5,927,830) and further in view of Doi (5,805,103).

Faye in view of Tozu, et al teaches the claimed invention except for reducing a power output of the engine. Doi teaches a control unit U having a cruise control function and is capable of controlling an engine output control means 6 (see Col. 4, lines 40-46). Based on the teachings of Doi, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Faye and Tozu, et al to reduce a power output of the engine to facilitate deceleration of a vehicle upon crashing.

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***Response to Arguments***

9. Applicant's arguments with respect to claims 1-3, 5, 6, 8-28 and 30-59 have been considered but are moot in view of the new ground(s) of rejection.

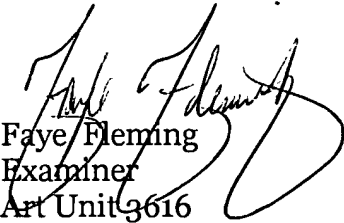
***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Notice of References Cited list references disclosing some features in common with the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Faye Fleming  
Examiner  
Art Unit 3616

09/16/03